MONTANA LEGISLATIVE HISTORY

Chapter 504 19____

Bill H 653 S_____ Original bill & history ____C

H. Committee on Education			S. Committee on Education		
Hearing Date(s)	2-11	____C	Hearing Date(s)	3-4	____C
	_____	____C		3-7	____C
	_____	____C		3-9	____C
	_____	____C		_____	____C
Date Out	_____	____C			
	Rpt 2-11			Rpt 3-10	

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

Ch 504 - 1983

HOUSE BILL NO. 653

INTRODUCED BY SANDS

BY REQUEST OF THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION

IN THE HOUSE

February 5, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 11, 1983	Committee recommend bill do pass. Report adopted.
February 12, 1983	Bill printed and placed on members' desks.
February 14, 1983	Second reading, do pass.
February 15, 1983	Considered correctly engrossed.
February 16, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 17, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 10, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 12, 1983	Second reading, concurred in.
March 15, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 15, 1983	Returned to House with amendments.
March 31, 1983	Second reading, amendments concurred in.
April 1, 1983	Third reading, amendments concurred in.
	Sent to enrolling.
	Reported correctly enrolled.

House BILL NO. 653

INTRODUCED BY Jauch

BY REQUEST OF THE OFFICE OF
SUPERINTENDENT OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROVISIONS RELATING TO HIGH SCHOOL TUITION; AMENDING SECTIONS 20-5-311 AND 20-5-312, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-311, MCA, is amended to read:

"20-5-311. High school tuition. (1) Any child may be enrolled in and attend a high school outside of the high school district in which he resides when such high school is located in Montana or in a county of another state that is adjacent to the state of Montana. When a parent or guardian of a child wishes to have his child attend a school under the provisions of this section, he shall apply to the county superintendent of the county of his residence before July 1 of the school fiscal year for which he seeks approval except in those cases when substantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form supplied by the county superintendent ~~and shall be approved by the trustees of the district where the child wishes to attend school and the trustees of the child's district of residence before permission to enroll in and attend a school outside of the district under the provisions of this section shall be granted.~~ The trustees of the district of residence, the trustees of the district in which the child wishes to attend school, and the county superintendent are the approval agents for tuition to another high school within the county. The county superintendent of the county of residence is the approval agent for attendance outside the county.

(2) The ~~trustees~~ approval agent or agents shall approve a tuition application when a child lives closer to a high school of another district than any high school located within his resident district or when, due to road or geographic conditions, it is impractical to attend the high school nearest his residence. In approving such a tuition application the ~~trustees~~ approval agent or agents are not required to approve a tuition application for a student seeking to attend a high school outside the state of Montana if the resident district provides transportation. In approving a tuition agreement under this provision, the ~~trustees~~ approval agent or agents may require the child to attend the high school closest to his residence. The ~~trustees~~ approval agent or agents may approve any other tuition application that satisfies the geographic

requirements of this section.

(3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the application.

(4) The county superintendent shall notify the parent or guardian and the trustees of the district where the child wishes to attend school of the tuition agreement approval or disapproval. If a tuition agreement is disapproved by the ~~trustees~~ approval agent or agents, the parent may appeal such disapproval to the ~~trustees for their reconsideration~~ county superintendent and, subsequently, to the superintendent of public instruction under the provision for the appeal of controversies in this title. The approval of any tuition agreement by the approval agents or upon appeal shall authorize the child named in such agreement to enroll in and attend the school named in such agreement for the ensuing school fiscal year."

Section 2. Section 20-5-312, MCA, is amended to read:

"20-5-312. Reporting, budgeting, and payment for high school tuition. (1) At the close of the school term of each school fiscal year, the trustees of each high school district shall determine the rate of tuition for the current school fiscal year by:

(a) totaling the actual expenditures from the district general fund, ~~retirement fund, and~~ the debt service fund, and, if the pupil is a resident of another county, the retirement fund;

(b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311; and

(c) subtracting the total of the per-ANB amount allowed by 20-9-316 through 20-9-321 that represents the foundation program as prescribed by 20-9-303 plus the per-ANB amount determined by dividing the state financing of the district permissive levy by the ANB of the district, from the amount determined in subsection (1)(b) above.

(2) Before July 15, the trustees shall report to the county superintendent of the county in which the district is located:

(a) the names, addresses, and resident districts of the pupils attending the schools of the district under an approved tuition agreement;

(b) the number of days of school attended by each pupil;

(c) the amount, if any, of each pupil's tuition payment that the trustees, in their discretion, shall have the authority to waive; and

(d) the rate of current school fiscal year tuition, as determined under the provisions of this section.

(3) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the superintendent of each district in which the reported pupils reside.

(4) When the district superintendent receives a tuition report or reports for high school pupils residing in his district and attending an out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident district pupils have attended school.

(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The payment shall be made to the county

treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(6) For pupils attending a high school outside their district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed

to each district included in the county superintendent's notification. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school feel the transfer privilege provided by this subsection is being abused they may appeal to the county superintendent of schools who shall hold a hearing and either approve or disapprove the transfer."

-End-

STATUS SHEET

EDUCATION COMMITTEE PAGE 8

48 Legislature

l No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
53	AN ACT TO CLARIFY THE PROVISIONS RELATING TO HIGH SCHOOL TUITION.	2-6	SANDS	2-11	DO PASS	2-11
57	AN ACT TO PROVIDE THAT AN APPLICANT FOR AN ADMINISTRATIVE OR SUPERVISORY TEACHER CERTIFICATE WHO IS OTHERWISE QUALIFIED MAY BE ISSUED THE ADMINISTRATIVE OR SUPERVISORY CERTIFICATE IF HE	2-6	SANDS	2-11	DO PASS	2-11
79	AN ACT TO CLARIFY THE DETERMINATION OF THE RATE OF TUITION FOR ELEMENTARY SCHOOL PUPILS.	2-8	JONES	2-14	DO PASS	2-14
0	AN ACT ALLOWING A TEACHER OR SPECIALIST WHO APPLIES FOR CERTIFICATION AFTER MARCH 1 TO HAVE THE PERIOD OF VALIDITY OF THE CERTIFICATE BEGIN JULY 1 FOLLOWING THE DATE OF APPLICATION.	2-8	JONES	2-14	DO PASS	2-14
3	AN ACT TO HELP THE SCHOOL DISTRICTS IN BUTTE-SILVER BOW AND DEER LODGE COUNTIES COPE WITH DECLINING ENROLLMENT AND LOSS OF TAX REVENUE AS A RESULT OF INDUSTRY CLOSURES.	2-6	DAILY	2-11	NO ACTION	
6	AN ACT TO TRANSFER FROM THE DEPARTMENT OF COMMERCE TO THE COMMISSIONER OF HIGHER EDUCATION THE ADMINISTRATION OF POST-SECONDARY EDUCATIONAL INSTITUTIONS INCLUDING THE ADVISORY COUNCIL	2-8	HEMSTAD	2-16	TABLE	2-16

five-year terms. He was told there have been no problems.

REPRESENTATIVE EUDAILY asked if it would be better to appoint members to the commission on a three-year basis. Representative McBride said the change from three years to five years was to accommodate new members and regulate the pattern of transition. She said she would have no problem with this committee changing the five-year terms back to three years.

The hearing on HB 508 was closed.

HOUSE BILL 653

REPRESENTATIVE JACK SANDS, District 68, sponsor of the bill, said HB 653 was requested by the Office of Public Instruction and is strictly a housekeeping bill. House Bill 653 would simply conform the law to the way the system works now. House Bill 653 deals with high school tuition when a student wishes to change from one high school district to another. The law is unclear as to what it does. The amended section would read, "The trustees of the district of residence, the trustees of the district in which the child wishes to attend school, and the county superintendent are the approval agents for tuition to another high school within the county. The county superintendent of the county of residence is the approval agent for attendance outside the county."

Proponents

BOB STOCKTON, representing the Office of Public Instruction, said a few years ago, a child could go to any high school he wanted to without paying tuition. If the child went to a high school out of his county, the superintendent would approve that transfer and the tuition was paid from the county's funds. A bill was introduced to make tuition within the county. This bill will clean up the language on who is the approval agent and who pays out of which fund.

There were no opponents testifying on HB 653.

REPRESENTATIVE SANDS said HB 653 only concerns transfers within a county.

The hearing was closed on HB 653.

HOUSE BILL 657

REPRESENTATIVE JACK SANDS, District 68, sponsor of the bill, said HB 657 was requested by the Office of Public Instruction. House Bill 657 is an act to provide that an applicant for an administrative or supervisory teacher certificate who is otherwise qualified may be issued the administrative or supervisory

certificate if he is eligible for but not a holder of a teacher certificate endorsed for teaching in the school in which he would be an administrator or supervisor.

Proponents

ROD SVEE, Assistant Superintendent of Public Instruction, spoke in support of HB 657. This bill would clear up a procedural thing. It is the current practice and has been for years.

ROBERT RUNKLE, a school psychologist for the Helena rural schools, said he is in favor of HB 657 for the removal of the redundancy of certification. It is a step in the right direction towards the recognition of a specialist certificate and other potential roles that school psychologists may serve in the district.

There were no opponents testifying on HB 657.

Questions from the committee were heard at this time.

REPRESENTATIVE EUDAILY asked how you can issue an administrative certificate to someone who is not a holder of a teaching certificate. Mr. Svee said that has been a total oversight. They did not become aware that they were doing it contrary to the present law until last fall. He said we are simple bringing the law into what has been practiced in the past.

REPRESENTATIVE SCHYE said a teacher has to go back to school every five years and get more credits. A principal does not have to do that. He asked if he wanted to renew his administrator certificate, would he have to go back to school to get more credits. Representative Daily said in order to have an administrator certificate, you have to have a masters degree from college. If you have a masters degree, you do not have to go back to school.

The hearing was closed on HB 657.

CHAIRMAN DAILY called the meeting into Executive Session.

EXECUTIVE SESSION

House Bill 657

REPRESENTATIVE SANDS moved HB 657 DO PASS.

The motion was voted on and PASSED. All committee members present voted yes except Representatives Eudaily and Nisbet, who voted no.

HOUSE BILL 653

REPRESENTATIVE SANDS moved HB 653 DO PASS.

The motion was voted on and PASSED unanimously.

House Bill 508

REPRESENTATIVE LORY said an amendment is needed for HB 508 to change the five-year terms to three-year terms.

CHAIRMAN DAILY said this committee will hold action on HB 508 until the amendments have been written up.

House Bill 395

CHAIRMAN DAILY asked how the subcommittee dealing with the tenured teachers bills was doing.

ANDREA MERRILL, Legislative Researcher from the Legislative Council, passed out copies of amendments to HB 395. (See EXHIBIT 3.) She also passed out copies of a letter from John Board, President of the Montant Education Association, concerning teacher tenure. (See EXHIBIT 4.)

REPRESENTATIVE SANDS told the committee members that the subcommittee dealing with HB 395, HB 396 and HB 591 will recommend this committee table HB 396 and HB 591 and adopt the amendments to HB 395, which address issues raised with the three bills.

REPRESENTATIVE SANDS went through the proposed amendments with the committee.

REPRESENTATIVE SANDS said if a teacher's contract is not renewed, the local school board will hold a hearing and there will not be a hearing with the county superintendent.

REPRESENTATIVE SANDS said services of a tenure teacher may be terminated for the following reasons: 1) the reasons described for dismissal under 20-4-207; 2) failure to promote acceptable levels of student achievement as outlined in the adopted policies of the trustees; 3) failure to adequately maintain student control and discipline as outlined in the adopted policies of the trustees; and 4) the financial condition of the school requires such reduction, and there are no teaching responsibilities being performed by a nontenure teacher if so qualified.

REPRESENTATIVE SANDS went over the review process once the school board makes a decision. Whenever the trustees of any district resolve to hear a case of tenure teacher nonrenewal, they shall notify the teacher in writing before May 1 of such a hearing. The notice of hearing shall contain a statement declaring clearly and explicitly the specific reasons for the proposed action. Any administrative or judicial review of a decision made by the

VISITORS' REGISTER

HOUSE EDUCATION COMMITTEE

BILL HOUSE BILL 653 Date February 11, 1983

SPONSOR Representative Sands

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSI

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Form CS-33
1-81

STANDING COMMITTEE REPORT

February 11, 19 83

MR. SPEAKER:

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 653

First reading copy (White Color)

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROVISIONS RELATING TO HIGH SCHOOL TUITION; AMENDING SECTIONS 20-5-311 AND 20-5-312, MCA."

Respectfully report as follows: That HOUSE Bill No. 653

DO PASS

STATE PUB. CO.
Helena, Mont.

FRITZ DAILY,
Chairman.

48th LEGISLATIVE SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
274	2/1/83	3/7 3/9	3/10				3/10/83		
315	2/7/83	3/11	3/11				3/11/83		
419	3/1/83	3/18 3/23	3/23					3/23/83	
422	2/11/83	3/7	3/8				3/7/83		
428	2/11/83	3/11 3/23	3/23					3/23/83	
444	2/12/83	3/16 3/23	3/23					3/23/83	
457	2/7/83	3/2 3/4	3/8					3/4/83	
461	2/10/83	3/16	3/17					3/16/83	
519	2/11/83	3/16	3/17				3/16/83		
544	3/23/83	4/6 4/10	4/11					4/10/83	
591	3/1/83	3/11 3/23	3/23					3/23/83	
653	2/17/83	3/4 3/7 3/9	3/10					3/9/83	
657	2/17/83	3/4	3/4				3/4/83		
679	2/21/83	3/9	3/10				3/9/83		
680	2/21/83	3/9	3/10				3/9/83		
746	3/1/83	3/11 3/16	3/17					3/16/83	

Use a separate sheet for Senate, House Bills, and Resolutions.

House BILL NO. 653

INTRODUCED BY Jands

BY REQUEST OF THE OFFICE OF
SUPERINTENDENT OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROVISIONS RELATING TO HIGH SCHOOL TUITION; AMENDING SECTIONS 20-5-311 AND 20-5-312, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-311, MCA, is amended to read:

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(2) The ~~trustees~~ approval agent or agents shall approve a tuition application when a child lives closer to a high school of another district than any high school located within his resident district or when, due to road or geographic conditions, it is impractical to attend the high school nearest his residence. In approving such a tuition application the ~~trustees~~ approval agent or agents are not required to approve a tuition application for a student seeking to attend a high school outside the state of Montana if the resident district provides transportation. In approving a tuition agreement under this provision, the ~~trustees~~ approval agent or agents may require the child to attend the high school closest to his residence. The ~~trustees~~ approval agent or agents may approve any other tuition application that satisfies the geographic

THIRD READING

HB 653

requirements of this section.

(3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the application.

(4) The county superintendent shall notify the parent or guardian and the trustees of the district where the child wishes to attend school of the tuition agreement approval or disapproval. If a tuition agreement is disapproved by the ~~trustees~~ approval agent or agents, the parent may appeal such disapproval to the ~~trustees for their reconsideration~~ county superintendent and, subsequently, to the superintendent of public instruction under the provision for the appeal of controversies in this title. The approval of any tuition agreement by the approval agents or upon appeal shall authorize the child named in such agreement to enroll in and attend the school named in such agreement for the ensuing school fiscal year."

Section 2. Section 20-5-312, MCA, is amended to read:

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(a) totaling the actual expenditures from the district general fund, ~~retirement fund, and~~ the debt service fund, and, if the pupil is a resident of another county, the retirement fund;

(b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311; and

(c) subtracting the total of the per-ANB amount allowed by 20-9-316 through 20-9-321 that represents the foundation program as prescribed by 20-9-303 plus the per-ANB amount determined by dividing the state financing of the district permissive levy by the ANB of the district, from the amount determined in subsection (1)(b) above.

(2) Before July 15, the trustees shall report to the county superintendent of the county in which the district is located:

(a) the names, addresses, and resident districts of the pupils attending the schools of the district under an approved tuition agreement;

(b) the number of days of school attended by each pupil;

(c) the amount, if any, of each pupil's tuition payment that the trustees, in their discretion, shall have the authority to waive; and

(d) the rate of current school fiscal year tuition, as determined under the provisions of this section.

(3) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the superintendent of each district in which the reported pupils reside.

(4) When the district superintendent receives a tuition report or reports for high school pupils residing in his district and attending an out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident district pupils have attended school.

(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of the high school tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The payment shall be made to the county

treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(6) For pupils attending a high school outside their district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed

to each district included in the county superintendent's notification. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school feel the transfer privilege provided by this subsection is being abused they may appeal to the county superintendent of schools who shall hold a hearing and either approve or disapprove the transfer."

-End-

The bill also clarifies the retirement fund transfer.

There were no proponents or opponents to the bill.

HOUSE BILL 657: Reprsentative Sands, District 68, stated the bill removes the necessity for teachers to maintain three separate certificates. A teacher who is in an administrative or advisory position currently has to maintain three certifications; if the bill passes, he would only have to maintain one.

PROPONENTS

John Voorhies, Certification and Teacher Education Director, Office of Public Instruction, stated the bill is strictly a housekeeping measure which would require a teacher to only have to maintain one certification. He urged the committee to support the bill.

There being no further proponents and no opponents, the hearing was closed.

EXECUTIVE SESSION

HOUSE BILL 653: Senator Mazurek expressed some concern about who or now many parties must agree to the out of district placement. He asked to have Bob Stockton attend the next meeting for clarification.

ACTION ON HOUSE BILL 657: Senator Berg moved House Bill 657 BE CONCURRED IN. The motion carried unanimously with Senators McCallum and Elliott absent.

ACTION ON HOUSE BILL 457: Senator Mazurek moved the amendments as per the attached committee report (exhibit #1).

Senator Mazurek moved HB 457 BE CONCURRED IN. The motion carried unanimously with Senators McCallum and Elliott absent.

ACTION ON HOUSE BILL 166: Chip Erdmann, representing the Montana School Boards Association, gave the committee an Attorney General's opinion (exhibit #2) concerning provisions addressed in the bill.

Senator Mazurek moved the amendments as per the attached committee report (exhibit #3). The motion carried unanimously with Senator McCallum absent.

ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3

NAME	PRESENT	ABSENT	EXCU
Senator Bob Brown, Chairman	X		
Senator Ed Smith, V. Chairman	X		
Senator Roger Elliott	X		
Senator Delwyn Gage	X		
Senator George McCallum			X
Senator Elmer Severson	X		
Senator Harry Berg	X		
Senator Chet Blaylock	X		
Senator Jack Haffey	X		
Senator Joseph Mazurek	X		

TO: The Senate Committee on Education and Cultural Resources

FROM: Lee Heiman, Committee Counsel

DATE: March 4, 1983

RE: Summaries of House Bills 653, 657, and 746, and House Joint Resolution 6.

House Bill 653 (Sands). Clarifies provisions relating to high school tuition by differentiating between in- and out-of-county tuition approval and rates.

House Bill 657 (Sands). Provides than an administrative and supervisory certificate may be issued to a person who is eligible for a teacher's certificate (rather than holding one) for teaching in the school in which he would be an administrator or supervisor.

House Bill 746 (Darko). Provides for establishing, after an election, community college service regions that comprise a local government unit or school district that is not within a community college district. Provides for the service to be provided to the region by the community college and for funding such services. Bill also changes annexation to a community college district by requiring the annexed school district area to be in a county contiguous with the community college district. Allows some discretion in the community college district trustees regarding the annexation.

House Joint Resolution 6 (Kitselman). Encourages the Superintendent of Public Instruction to develop and expand economics programs in high schools, colleges, and universities.

EXECUTIVE SESSION

ACTION ON HOUSE BILL 273: Senator Blaylock moved the amendments as per the attached committee reports (exhibit #1). The motion carried unanimously with Senators Elliott, Mazurek, and Brown absent.

Senator Berg moved House Bill 273 BE CONCURRED IN AS AMENDED. The motion carried unanimously with Senators Brown, Mazurek, and Elliott absent.

HOUSE BILL 653: Bob Stockton, OPI, said the bill clarifies tuition differences between situations where students attend school in a different district than the district of residence in or out of the county.

Senator Berg asked if the county superintendent of the county of residence is the approval agent.

Mr. Stockton said this is the way the law used to read.

Senator Mazurek voiced a concern with whether the approval must be unanimous among all approval agents or just the majority. He felt the bill was vague in this respect.

Mr. Stockton replied that "approval agents" means all agents must unanimously approve.

Senator Berg suggested amendments be drawn up clarifying the unanimous provision, inclusion of receiving districts approval and an effective date.

Senator Berg, Bob Stockton, and Lee Heiman will meet and draw up the amendments for further consideration.

ADJOURN: There being no further business, the meeting adjourned.

Bob Brown
Senator Bob Brown, Chairman

jdr

ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983

NAME	PRESENT	ABSENT
Senator Bob Brown, Chairman		
Senator Ed Smith, V. Chairman	X	
Senator Roger Elliott		
Senator Delwyn Gage	X	
Senator George McCallum	X	
Senator Elmer Severson	X	
Senator Harry Berg	X	
Senator Chet Blaylock	X	
Senator Jack Haffey	X	
Senator Joseph Mazurek		

PROPONENTS

Rod Svee, Assistant Superintendent, Office of Public Instruction, said the period of certification currently runs for five years and penalizes teachers if they apply after March 1. This bill would give them five years rather than four years, four months. He said this is merely a housekeeping procedure and should be done.

There being no further proponents and no opponents, the hearing was closed.

ACTION ON HOUSE BILL 680: Senator Mazurek moved House Bill 680 BE CONCURRED IN. The motion carried unanimously with Senators Brown and Blaylock absent.

ACTION ON HOUSE BILL 679: Senator Berg moved House Bill 679 BE CONCURRED IN. The motion carried on a roll call vote with Senators Brown and Blaylock absent (attached roll call vote exhibit #1).

ACTION ON HOUSE BILL 124: Senator Mazurek moved House Bill 124 BE CONCURRED IN. The motion carried with Senators Gage, McCallum, and Severson voting no and Senators Brown and Blaylock absent.

ACTION ON HOUSE BILL 30: Senator Berg moved a coordinating amendment as per the attached committee report (exhibit #2). The motion carried unanimously with Senators Brown and Blaylock absent.

Senator Berg moved House Bill 30 BE CONCURRED IN AS AMENDED. The motion carried with Senator Severson voting no and Senators Brown and Blaylock absent.

Robin Lewis, a teenager from Helena High School who is in treatment at the Shodair Adolescent Treatment Center, spoke to the committee regarding her alcoholism and how she has dealt with it (attached exhibit #3). The committee members were very impressed with Robin and wished her the best of luck in the future.

Senator Brown resumed the Chair.

ACTION ON HOUSE BILL 274: Senator Berg moved House Bill 274 BE CONCURRED IN. The motion carried with Senator Smith voting no and Senator Blaylock absent.

ACTION ON HOUSE BILL 653: Senator Berg moved the adoption of the amendments as per the attached committee report (exhibit #4).

Senator Mazurek moved House Bill 653 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

HOUSE BILL 809: The bill was presented by Jim Gillett, Legislative Auditors Office, in the absence of Representative Waldron, the sponsor (attached exhibit #5).

Representative Waldron arrived at the meeting and said the bill ensures that school disticts get the equalization amount they are entitled to. He said although the bill looks complicated, it actually simplifies the procedure. The counties no longer receive the money, it goes directly to the Office of Public Instruction and they distribute it to the 56 county treasurers. He noted equalization monies are state monies and the Office of Public Instruction is the state agency which should disburse those monies.

PROPONENTS

Dennis Burr, representing the Montana Taxpayers Association, said that organization supports the bill. He said they have been at odds with OPI and the school districts before, especially in the area of zero cash balances which require additional levies. He noted, however, the federal law says federal forest receipts should go to the county of use and this bill blatantly puts those funds in the equalization fund therefore inviting a lawsuit from these counties.

OPPONENTS

Wayne Buchanen, Montana School Boards Association, said the Association originally supported the bill in the House. However, calls began to come in questioning what happens to the interest dollars generated when the funds are used to expand the pool of money invested by the county.

John Campbell, School Business Managers and Clerks, proposed an amendment (exhibit #6). He said the amendment would ensure all monies transferred to the state government would retain a separate identity for investing and interest purposes and would go on a county basis to reduce property taxes.

ROLL CALL

EDUCATION AND CULTURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 3/7

NAME	PRESENT	ABSENT	EXCU
Senator Bob Brown, Chairman	X		
Senator Ed Smith, V. Chairman	X		
Senator Roger Elliott	X		
Senator Delwyn Gage	X		
Senator George McCallum	X		
Senator Elmer Severson	X		
Senator Harry Berg	X		
Senator Chet Blaylock			X
Senator Jack Haffey	X		
Senator Joseph Mazurek	X		

March 10, 1983

SENATE STANDING COMMITTEE REPORT
(Education & Cultural Resources)

That House Bill No. 653 be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 9.
Following: "residence"
Strike: "is"
Insert: "and the trustees of the district in which the child wishes to attend school are"
Following: "approval"
Strike: "agent"
Insert: "agents"

3. Page 2, line 11.
Following: "approval"
Strike: "agent or"

4. Page 2, line 17.
Following: "approval"
Strike: "agent or"

5. Page 2, line 22.
Following: "approval"
Strike: "agent or"

6. Page 2, line 24.
Following: "approval"
Strike: "agent or"

7. Page 3, line 10.
Following: "by"
Strike: "the"
Insert: "one or more"

8. Page 3, line 11.
Following: "approval"
Strike: "agent or"

9. Page 3, line 15.
Following: "title."
Insert: "(5)"

10. Page 3, line 16.
Following: "by"
Insert: "all of"
Following: "the"
Insert: "applicable"

11. Page 7.
Following: line 10
Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

3/9/83

STANDING COMMITTEE REPORT

March 10, 1983

MR. PRESIDENT:

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 653

Sands (Mazurek)

Respectfully report as follows: That HOUSE Bill No. 653

third reading copy, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 9.
Following: "residence"
Strike: "is"
Insert: "and the trustees of the district in which the child wishes to attend school are"
Following: "approval"
Strike: "agent"
Insert: "agents"

XXXXXX

Chairman.

STATE PUB. CO.
Helena, Mont.

4.e

3. Page 2, line 11.
Following: "approval"
Strike: "agent or"

4. Page 2, line 17.
Following: "approval"
Strike: "agent or"

5. Page 2, line 22.
Following: "approval"
Strike: "agent or"

6. Page 2, line 24.
Following: "approval"
Strike: "agent or"

7. Page 3, line 10.
Following: "by"
Strike: "the"
Insert: "one or more"

8. Page 3, line 11.
Following: "approval"
Strike: "agent or"

9. Page 3, line 15.
Following: "title."
Insert: "(5)"

10. Page 3, line 16.
Following: "by"
Insert: "all of"
Following: "the"
Insert: "applicable"

11. Page 7.
Following: line 10
Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

And, as so amended, BE CONCURRED IN

Senator Bob Brown, Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 653

INTRODUCED BY SANDS

BY REQUEST OF THE OFFICE OF

SUPERINTENDENT OF PUBLIC INSTRUCTION

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROVISIONS RELATING TO HIGH SCHOOL TUITION; AMENDING SECTIONS 20-5-311 AND 20-5-312, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-311, MCA, is amended to read:

"20-5-311. High school tuition. (1) Any child may be enrolled in and attend a high school outside of the high school district in which he resides when such high school is located in Montana or in a county of another state that is adjacent to the state of Montana. When a parent or guardian of a child wishes to have his child attend a school under the provisions of this section, he shall apply to the county superintendent of the county of his residence before July 1 of the school fiscal year for which he seeks approval except in those cases when substantial changes in circumstances occurred subsequently to justify later application. Such application shall be made on a tuition agreement form supplied by the county superintendent ~~and shall be approved by the trustees of the district where the child wishes to attend school and the trustees of the child's district of residence before permission to enroll in and attend a school outside of the district under the provisions of this section shall be granted.~~ The trustees of the district of residence, the trustees of the district in which the child wishes to attend school, and the county superintendent are the approval agents for tuition to another high school within the county. The county superintendent of the county of residence is AND THE TRUSTEES OF THE DISTRICT IN WHICH THE CHILD WISHES TO ATTEND SCHOOL ARE the approval ~~agent~~ AGENTS for attendance outside the county.

(2) The ~~trustees~~ approval ~~agent or~~ agents shall approve a tuition application when a child lives closer to a high school of another district than any high school located within his resident district or when, due to road or geographic conditions, it is impractical to attend the high school nearest his residence. In approving such a tuition application the ~~trustees~~ approval ~~agent or~~ agents are not required to approve a tuition application for a student seeking to attend a high school outside the state of Montana if the resident district provides transportation. In approving a tuition agreement under this provision, the ~~trustees~~ approval ~~agent or~~ agents may require the child to attend the high school closest to his residence. The

REFERENCE BILL

~~trustees~~ approval ~~agent--or~~ agents may approve any other tuition application that satisfies the geographic requirements of this section.

(3) The trustees of the district where the child wishes to attend school shall approve or disapprove any tuition application submitted to them under the provisions of this section within 15 days after the receipt of the application.

(4) The county superintendent shall notify the parent or guardian and the trustees of the district where the child wishes to attend school of the tuition agreement approval or disapproval. If a tuition agreement is disapproved by ~~the~~ ONE OR MORE ~~trustees~~ approval agent~~-or~~ agents, the parent may appeal such disapproval to the ~~trustees--for--their reconsideration~~ county superintendent and, subsequently, to the superintendent of public instruction under the provision for the appeal of controversies in this title.

(5) The approval of any tuition agreement by ALL OF the APPLICABLE approval agents or upon appeal shall authorize the child named in such agreement to enroll in and attend the school named in such agreement for the ensuing school fiscal year."

Section 2. Section 20-5-312, MCA, is amended to read:

"20-5-312. Reporting, budgeting, and payment for high school tuition. (1) At the close of the school term of each

school fiscal year, the trustees of each high school district shall determine the rate of tuition for the current school fiscal year by:

(a) totaling the actual expenditures from the district general fund, ~~retirement--fund, and~~ the debt service fund, and, if the pupil is a resident of another county, the retirement fund;

(b) dividing the amount determined in subsection (1)(a) above by the ANB of the district for the current fiscal year, as determined under the provisions of 20-9-311; and

(c) subtracting the total of the per-ANB amount allowed by 20-9-316 through 20-9-321 that represents the foundation program as prescribed by 20-9-303 plus the per-ANB amount determined by dividing the state financing of the district permissive levy by the ANB of the district, from the amount determined in subsection (1)(b) above.

(2) Before July 15, the trustees shall report to the county superintendent of the county in which the district is located:

(a) the names, addresses, and resident districts of the pupils attending the schools of the district under an approved tuition agreement;

(b) the number of days of school attended by each pupil;

(c) the amount, if any, of each pupil's tuition payment that the trustees, in their discretion, shall have the authority to waive; and

(d) the rate of current school fiscal year tuition, as determined under the provisions of this section.

(3) When the county superintendent receives a tuition report from a district, he shall immediately send the reported information to the superintendent of each district in which the reported pupils reside.

(4) When the district superintendent receives a tuition report or reports for high school pupils residing in his district and attending an out-of-district high school under approved tuition agreements, he shall determine the total amount of tuition due such out-of-district high schools on the basis of the following per-pupil schedule: the rate of tuition, number of pupils attending under an approved tuition agreement, and other information provided by each high school district where resident district pupils have attended school.

(5) The total amount of the high school tuition, with consideration of any tuition waivers, for pupils attending a high school outside the county of residence shall be financed by the county basic special tax for high schools as provided in 20-9-334. In December, the county superintendent shall cause the payment by county warrant of the high school

tuition obligations established under this section out of the first moneys realized from the county basic special tax for high schools. The payment shall be made to the county treasurer of the county where each high school entitled to tuition is located. The county treasurer shall credit such tuition receipts to the general fund of the applicable high school district, and the tuition receipts shall be used in accordance with the provisions of 20-9-141.

(6) For pupils attending a high school outside their district of residence but within the county of residence, the total amount of the tuition, with consideration of any tuition waivers, must be paid during the ensuing school fiscal year. The trustees of the sending high school district shall include the tuition amount in the tuition fund of the preliminary and final budgets. This budgeted tuition amount is not subject to the budget adjustment provisions of 20-9-132. The county superintendent shall report the net tuition fund levy requirement for each high school district to the county commissioners on the second Monday of August, and a levy on the district shall be made by the county commissioners in accordance with 20-9-142. This levy requirement shall be calculated by subtracting from the total expenditure amount authorized in the final tuition fund budget the sum of the cash balance in the tuition fund at the end of the immediately preceding school

fiscal year plus any other anticipated money that may be realized in the tuition fund. The trustees shall pay by warrants drawn on the tuition fund the tuition amounts owed to each district included in the county superintendent's notification. Payments shall be made whenever there is a sufficient amount of cash available in the tuition fund but no later than the end of the school fiscal year for which the budget is adopted. However, if the trustees of either the sending or receiving high school feel the transfer privilege provided by this subsection is being abused they may appeal to the county superintendent of schools who shall hold a hearing and either approve or disapprove the transfer."

SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-